

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

**DECLARATION OF CLAUDIA WILNER IN SUPPORT OF MOTION FOR
LEAVE TO TAKE ADDITIONAL DEPOSITIONS**

I, CLAUDIA WILNER, declare as follows:

1. I am an attorney and Director of Litigation and Advocacy at the National Center for Law and Economic Justice, counsel to the Plaintiffs in this matter. I am admitted to the Western District of New York. Unless otherwise stated, the facts set forth below are based on my own personal knowledge.

2. I submit this Declaration in support of Plaintiffs' Memorandum of Law in Support of the Motion for Leave to Take Additional Depositions.

3. Following the Court's Status Conference on December 14, 2020 where the Court allowed Plaintiffs to designate 20 depositions to start, Plaintiffs have been pursuing discovery by conducting depositions and reviewing documents produced by Defendants.

4. Plaintiffs have to date conducted the following 14 depositions:

- Kevin Brinkworth (former Strike Force, Housing Unit, and Schools Chief and Named Defendant)
- Daniel Derenda (former Buffalo Police Commissioner and Named Defendant)

- Joseph Fahey (former Accreditation Lieutenant)
- Kevin Helfer (former BTVA Executive Director)
- Tracy Masiello (Crime Analyst)
- Danielle Morgera (Buffalo Traffic Violations Agency (“BTVA”) Administrator)
- Michael Quinn (former Strike Force Lieutenant)
- Patrick Roberts (former Strike Force and Housing Unit Captain)
- Lance Russo (former Housing Unit Lieutenant)
- Philip Serafini (former Housing Unit Captain and Named Defendant)
- Charles Skipper (former Strike Force and Traffic Officer)
- Thomas Whelan (former Strike Force Lieutenant)
- David Wilcox (former Strike Force Lieutenant)
- Aaron Young (Chief of Schools, former Strike Force and Housing Unit Chief, and named Defendant)

5. Plaintiffs have informed Defendants that they intend to take the following six additional depositions to complete the first 20 that this Court authorized:

- Byron Brown (Mayor of the City of Buffalo and named Defendant)
- Byron Lockwood (former Buffalo Police Commissioner and named Defendant)
- Harold McClellan (former Police Inspector and head of Internal Affairs)
- Robert Rosenswie (current Police Inspector and head of Internal Affairs)
- Joseph Gramaglia (former Deputy Commissioner and current Commissioner of the Buffalo Police Department)
- The City of Buffalo pursuant to Rule 30(b)(6)

6. Defendants have generally produced fewer documents per custodian for police officers than for supervisors and city employees. For example, Defendants produced approximately 1,329 documents for Officer William Macy and 4,569 documents for Officer Robbin Thomas, while Defendants produced approximately 12,839 documents for former BTVA Executive Director Kevin Helfer and 17,289 documents for former BPD Commissioner Byron Lockwood.

7. On September 23, 2022, I sent a letter via email to Peter Sahasrabudhe, one of Defendants’ counsel, requesting that Defendants consent to Plaintiffs taking 12 additional depositions and explaining the reasons that their testimony is necessary to the litigation.

8. On October 14, 2022, my co-counsel Jordan Joachim and I met and conferred with Mr. Sahasrabudhe via telephone to discuss the September 23 letter. At this meeting, Mr. Sahasrabudhe consented to the deposition of Defendant Robbin Thomas. Mr. Sahasrabudhe indicated that Defendants would not consent to any additional depositions. I informed Mr. Sahasrabudhe that Plaintiffs intended to seek relief with the Court to pursue the 11 additional depositions about which the parties could not come to an agreement.

9. I attach as **Exhibit A** a true and correct copy of Plaintiffs' letter to Defendants requesting consent to take 12 additional depositions, sent via email on September 23, 2022.

10. I attach as **Exhibit B** true and correct copies of excerpted pages from the deposition transcript of Danielle Morgera, taken remotely on May 26, 2022.

11. I attach as **Exhibit C** true and correct copies of excerpted pages from the deposition transcript of Kevin Helfer, taken remotely on June 22, 2022.

12. I attach as **Exhibit D** true and correct copies of excerpts of spreadsheets produced by Defendants containing allegations of race-based complaints against proposed witness officers. Personal identifying information of the complainants has been redacted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 15, 2022 in New York, New York.

/s/ Claudia Wilner
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